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LEGISLATIVE HISTORY

Public Law 89-337
S. 2679

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Digest of Public Law 89-337.2

INDEX AND SUMMARY OF S. 2679

June	16, 1965	Rep. Cooley introduced H. R. 9149 which was referred to House Agriculture Committee. Print of bill as introduced.
Oct.	19, 1965	House committee reported H. R. 9149 without amendment. H. Report 1177. Print of bill and report.
Oct.	20, 1965	Senate Agriculture and Forestry Committee reported an original bill, S. 2679. S. Rept. 921. Print of bill and report.
Oct.	21, 1965	Senate passed S. 2679 without amendment.
Oct.	22, 1965	House passed S. 2679 without amendment, in lieu of H. R. 9149. H. R. 9149 indefinitely postponed due to passage of S. 2679.
Nov.	8, 1965	Approved: Public Law 89-337.

DIGEST OF PUBLIC LAW 89-337

INCREASE IN FLOOD WATER DETENTION CAPACITY FOR
WATERSHEDS.

Authorizes an increase from five thousand acre-feet to twelve thousand five hundred acre-feet of floodwater detention capacity in any single structure constructed under the provisions of the Watershed Protection and Flood Prevention Act.

THE UNIVERSITY OF CHICAGO

IN THE DEPARTMENT OF THE HISTORY OF ARTS

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H. R. 9149

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1965

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Watershed Protection and Flood Prevention Act,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Watershed Protection and Flood Pre-
4 vention Act (68 Stat. 666), as amended, is amended by
5 striking out "more than five thousand acre-feet of flood-
6 water detention capacity" and inserting in lieu thereof "more
7 than twelve thousand five hundred acre-feet of floodwater
8 detention capacity".

A BILL

To amend the Watershed Protection and Flood
Prevention Act, as amended.

By Mr. COOLEY

JUNE 16, 1965

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Oct. 20, 1965
For actions of Oct. 19, 1965
89th-1st; No. 195

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HIGHLIGHTS: Senate debated sugar bill. Senate committee reported supplemental appropriation bill and pay bill. Rep. Smith, Iowa, introduced and discussed meat inspection bill. House committee reported bill to increase flood water detention capacity.

SENATE

1. SUGAR. Began debate on H. R. 11135, the sugar bill, which had been reported with amendment during adjournment on Oct. 18 (S. Rept. 909). pp. 26315, 26393-419, 26427-39
2. SUPPLEMENTAL APPROPRIATION BILL. The Appropriations Committee reported with amendments this bill, H. R. 11588 (S. Rept. 912). p. 26325
It was agreed that this bill will be considered next after the sugar bill (p. 26440). Attached to this Digest is a table showing the actions of the Senate Committee.
3. FEDERAL PAY BILL. The Post Office and Civil Service Committee reported with amendments this bill, H. R. 10281, on Oct. 18 during adjournment (S. Rept. 910). p. 26315

4. EXPENDITURES; PERSONNEL; STOCKPILING. Received a report from the Byrd Joint Committee on Nonessential Federal Expenditures regarding these subjects. pp. 26326-38
5. FARM PROGRAM. Sen. Curtis spoke in favor of adequate farm prices, criticized the present program, and defended his record. pp. 26355-7
6. WORLD FOOD SHORTAGE. Sen. McGovern inserted and commended a speech by Rep. Stalbaum favoring farm production to alleviate the world food shortage. pp. 26361-3
7. ELECTRIFICATION. Sen. Hartke inserted an address by REA Administrator Clapp before the NRECA regional meetings, reviewing progress in rural electrification and outlining future financial requirements. pp. 26371-3
8. RIVERS-HARBORS AND FLOOD-CONTROL BILL. Agreed to the conference report on this bill, S. 2300. pp. 26380-93
9. DISASTER RELIEF. Sen. Long, La., described changes made by the Senate committee in H. R. 7502, the disaster-relief bill, including a provision to permit deduction of certain assessments by soil and water conservation districts, for income tax purposes. pp. 26439-40

HOUSE

10. FLOOD CONTROL. The Agriculture Committee reported without amendment H.R. 9149, to amend the Watershed Protection and Flood Prevention Act, as amended, so as to increase the maximum flood-water detention capacity from 5,000 acre-feet to 12,500 acre-feet (H. Rept. 1177). p. 26537
11. EDUCATION. Received the conference report on H.R. 9567, the proposed Higher Education Act of 1965 (H. Rept. 1178). pp. 26447-70
12. TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) S. 1098, to amend the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply. p. D1039
13. WHEAT. Rep. Albert emphasized that deferment of action on the International Wheat Agreement Act extension "should not be interpreted as indicating that the House is opposed to the agreement negotiated by our representatives and ratified by the Senate early this year." p. 26441
14. FOOD COMMISSION. Rep. Langen expressed approval of legislation to create a U.S. World Food Commission "to plan the future U.S. role in the approaching world food crisis." p. 26516
15. MONETARY FUND. Received from Treasury a report on the activities of the National Advisory Council on International Monetary and Financial Problems of the Bretton Woods Agreements Act. p. 26537
16. COMMODITY EXCHANGES. Received from this Department a proposed bill to amend the Commodity Exchange Act, as amended; to Agriculture Committee. p. 26537
17. LEGISLATIVE PROGRAM. Rep. Albert announced that tomorrow (Oct. 20) the House will call up the conference reports on the higher education bill and the omnibus rivers and harbors and flood control bill. pp. 26441-42

AMENDING THE FLOOD PREVENTION ACT

OCTOBER 19, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

R E P O R T

[To accompany H.R. 9149]

The Committee on Agriculture, to whom was referred the bill (H.R. 9149) to amend the Watershed Protection and Flood Prevention Act, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to amend section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, to increase the maximum authorized floodwater detention capacity under that act from 5,000 to 12,500 acre-feet. The bill does not increase the overall maximum capacity of such structures, which is, and continues to be, 25,000 acre-feet.

NEED FOR THE LEGISLATION

The Flood Prevention Act has now been in operation about 10 years. It has been amended several times and the general trend of the amendments has been to encourage the construction and planning of multipurpose projects including facilities for municipal and local water supply, recreation, fish and wildlife conservation, and other purposes, as well as flood prevention.

As the program has developed, it has become apparent that the original limitation of 5,000 acre-feet on the amount of floodwater detention capacity which would be included in the plans for any single dam and reservoir was inadequate to permit the planning of effective and efficient multipurpose installations under the expanded authority of the act, and inadequate to permit the utilization of some of the better sites for such structures.

COST

The proposed bill will permit far better planning of upstream watershed projects and more effective utilization of structures erected under the program. It will not, of itself, increase the cost of the program.

DEPARTMENTAL APPROVAL

H.R. 9149 was transmitted to Congress by executive communication dated May 12, 1965, from the Secretary of Agriculture with the strong recommendation of the administration for enactment of the bill.

Following is the text of the executive communication:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 12, 1965.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill to amend the Watershed Protection and Flood Prevention Act (68 Stat. 666, as amended).

The Department of Agriculture strongly recommends enactment of this bill.

This bill would accomplish the recommendation of President Kennedy in his message to the Congress on January 31, 1963, on the agricultural program in which he stated: "Legislation is also needed to increase substantially the capacity for floodwater detention in small reservoirs in order to permit the full development, under the Watershed Protection and Flood Prevention Act, of available sites for multipurpose use. Such action this year will supplement and strengthen the provisions of the Food and Agriculture Act of 1962 to strengthen the rural economy through more adequate development of available water and related land resources for multiple use." This was again supported by President Johnson in his message to the Congress on January 31, 1964.

The bill would amend section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) by striking out "More than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof, "more than twelve thousand five hundred acre-feet of floodwater detention capacity."

This change would permit full utilization of available sites for multiple-purpose development within the already existing authority in the act to include structures having a total capacity of up to 25,000 acre-feet. Under the present limitation of 5,000 acre-feet on floodwater detention capacity, it is often not technically possible to design multiple-purpose structures to meet the requirements and desires of local organizations for recreation or fish and wildlife development and municipal or industrial water supply under authorizations contained in the Food and Agriculture Act of 1962 (Public Law 87-703). Particularly in low and moderate rainfall areas, the drainage area required to yield sufficient water supply to meet community needs is too large to be controlled by 5,000 acre-feet of flood prevention capacity. The 5,000 acre-foot limitation is incompatible with the 25,000 acre-foot maximum size allowed for any single structure and the 250,000-acre maximum watershed size permitted by the act. Increasing the flood prevention limitation to 12,500 acre-feet will permit designing tech-

nically sound structures to utilize fully available sites to meet all needs occurring within 250,000-acre watersheds.

The Bureau of the Budget advises that the enactment of this proposed legislation would be consistent with the administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

AN ACT To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planing and carrying out of works of improvement for soil conservation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

SEC. 2. For the purposes of this Act, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land-treatment measures) or

(2) the conservation, development, utilization, and disposal of water in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than [five thousand] *twelve thousand and five hundred* acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet to total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided,* That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and

Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such sub-watersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

“Local organization”—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users’ association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary.



89TH CONGRESS
1ST SESSION

H. R. 9149

[Report No. 1177]

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1965

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

OCTOBER 19, 1965

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Watershed Protection and Flood Prevention Act,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Watershed Protection and Flood Pre-
4 vention Act (68 Stat. 666), as amended, is amended by
5 striking out “more than five thousand acre-feet of flood-
6 water detention capacity” and inserting in lieu thereof “more
7 than twelve thousand five hundred acre-feet of floodwater
8 detention capacity”.

89TH CONGRESS
1ST Session

H. R. 9149

[Report No. 1177]

A BILL

To amend the Watershed Protection and Flood
Prevention Act, as amended.

By Mr. COOLEY

JUNE 16, 1965

Referred to the Committee on Agriculture

OCTOBER 19, 1965

Committed to the Committee of the Whole House on
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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
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Issued Oct. 21, 1965
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89th-1st; No. 196

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HIGHLIGHTS: For highlights see page 5

HOUSE

1. AGRICULTURAL APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 8370, and acted on amendments in disagreement. Attached is a table showing the changes agreed upon. pp. 26742-7
2. MARKETING ORDERS. Concurred in the Senate amendment to the House amendment to S. 2092, to permit marketing orders for certain fruits and vegetables to provide for paid advertising. This bill will now be sent to the President. p. 26706
3. EDUCATION. By a vote of 313 to 63, agreed to the conference report on H. R. 9567, the aid to higher education bill. pp. 26706-30
4. RIVERS-HARBORS AND FLOOD-CONTROL BILL. By a vote of 221 to 139, agreed to the conference report on this bill, S. 2300. This bill will now be sent to the President. pp. 26730-41

5. BUDGETING. Rep. Halpern spoke in favor of a Joint Committee on the Budget. p. 26762
6. FARM LABOR. Several Representatives debated the termination of the Mexican farm labor program. pp. 26763-80
7. SUGAR. Rep. Hansen, Iowa, inserted his press release defending the House sugar bill. p. 26790
8. ELECTRIFICATION; AREA DEVELOPMENT. Rep. Dent inserted a statement by Pres. Drumm of West Penn Power Co. upon receiving the "E" Service Award from Secretary Connor for area development activity. pp. 26793-4
9. INVESTIGATIONS. The Rules Committee reported with amendment H. Res. 605, authorizing the Agriculture Committee to conduct studies and investigations relating to certain matters within its jurisdiction (H. Rept. 1180). p. 26808
10. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported with amendment S. 1098, to insure adequacy of the railroad freight car supply (H. Rept. 1183). p. 26808
11. SUPPLEMENTAL APPROPRIATIONS. Received from the President a 1966 supplemental request for \$500 million for the Commodity Credit Corporation (H. Doc. 307). This item was considered as a part of the Department of Agriculture and Related Agencies Appropriation Bill, 1966, rather than in the Supplemental Appropriation Bill. p. 26807

SENATE

12. SUPPLEMENTAL APPROPRIATION BILL. Passed with amendments this bill, H.R. 11588 (pp. 26584, 26587-631). No changes were made in appropriations to this Department. (For a listing of the items see Digest 195) As passed the bill also provides \$70 million to the President to carry out the Hurricane Disaster Relief Act of 1965. House and Senate conferees were appointed on the bill (pp. 26781, 26630).
13. SUGAR. Passed, 69-16, with amendments H.R. 11135, the sugar bill. Agreed to an amendment by Sen. Morse to add quotas of 422 short tons each for Honduras and Bolivia, and a technical corrective amendment by Sen. Long, La. Rejected various amendments. Senate and House conferees were appointed. pp. 26560-83, 26730
14. DISASTER RELIEF. The Public Works Committee reported without amendment H.R. 11539, to provide assistance to Fla., La., and Miss. for reconstruction of areas damaged by the recent hurricane (S. Rep. 917). p. 26542
15. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 797, to establish the Whiskeytown-Shasta-Trinity National Recreation Area, Calif., (S. Rept. 922). p. 26542
16. WATER. The Agriculture Committee reported an original bill, S. 2679, to amend the Watershed Protection and Flood Prevention Act, as amended (S. Rept. 921) (p. 26542). The "Daily Digest" states that this bill is in respect to "maximum flood detention capacity of watershed project structures" (p. D1041).

MAXIMUM FLOOD DETENTION CAPACITY OF WATER-
SHED PROJECT STRUCTURES

OCTOBER 20, 1965.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany S. 2679]

The Committee on Agriculture and Forestry reported an original bill (S. 2679), to amend the Watershed Protection and Flood Prevention Act, as amended, with a recommendation that it do pass.

This bill would increase the maximum flood detention capacity permitted for any single structure under the Watershed Protection and Flood Prevention Act from 5,000 acre-feet to 12,500 acre-feet.

Hearings on this legislation were conducted by the committee's Subcommittee on Soil Conservation and Forestry. All witnesses, including the Department of Agriculture and the Department of the Army, favored enactment, pointing out that the increase in maximum flood detention capacity would permit the best use of available sites, reduce Government costs in some cases by reducing the number of flood detention structures that were needed, permit certain projects to be undertaken where the flood detention requirements of the only available sites were in excess of 5,000 acre-feet, and make it feasible to undertake certain projects which could not be undertaken unless the most economic sites were used.

The Department of the Army testified that retention of the present limitation would have the effect of making flood control storage in headwater areas under the Watershed Protection and Flood Prevention Act less efficient and more costly than it would be if capacities up to 12,500 acre-feet could be utilized. The Department of the Army, in view of this, interposed no objection to the bill, but pointed out that provision for greater flood detention capacity in structures installed under the Watershed Protection and Flood Prevention Act would make

more difficult the coordination of headwater plans under that act and downstream plans prepared by the Corps of Engineers, stating:

In taking this position the agencies concerned have also taken cognizance of the fact that authority for construction of reservoirs with greater flood control capacity under Public Law 566 would make more difficult the coordination of headwater plans prepared by the Department of Agriculture and downstream plans prepared by the Corps of Engineers because the zone of overlap in the amount of flood control storage that each agency could provide would be increased. In order to prevent possible conflict and duplication of effort in this zone of overlap, the Department of the Army has suggested that its program should be directed to those flood control storage possibilities that would reduce flood damage primarily downstream from the 250,000-acre headwater areas and that the Public Law 566 program should be designed to provide projects that would reduce flood damages primarily upstream from the 250,000-acre drainage area portions of a river basin. As a result of the interagency discussion of recent years, it is the understanding of the Department of the Army that the rules and regulations to assure coordination as required by subsection (5) of section 5 of Public Law 566 will be amended to incorporate the foregoing procedures if the 5,000 acre-foot limitation is raised.

Rather than leaving this problem of coordination open to subsequent adjustment from time to time through administrative regulation, the committee felt that it should be settled at this time, so that Congress, in taking action on the bill, would have full knowledge of the effect of its action, and so that future jurisdictional disputes and problems would be avoided insofar as possible. The committee therefore at the time of the hearings requested the Department of the Army to submit an amendment providing for coordination as set out in its testimony, and this was done. The Department of Agriculture was then requested to comment on the language suggested by the Department of the Army, and it did so, objecting to the proposed language and suggesting alternative language. The committee, after considering both proposals, earlier this year agreed on legislation that it believed would have settled the matter. However, the committee received many requests not to report the bill at that time, and to give the Departments further time to work out an understanding that would provide greater ease of coordination and would be satisfactory to all those concerned with watershed protection and flood control projects. That agreement has now been reached and is appended hereto as exhibit A. It is upon the assumption that this agreement will be carried out in a way that will provide the most efficient and effective means of protecting our watersheds, preventing floods, and providing for the best use of our resources that the committee reports this bill.

EXHIBIT A

AGREEMENT BETWEEN THE SOIL CONSERVATION SERVICE,
DEPARTMENT OF AGRICULTURE AND THE CORPS OF
ENGINEERS, DEPARTMENT OF THE ARMY, WITH RESPECT
TO FLOOD PROTECTION BY ENGINEERING WORKS

OBJECTIVES

The Corps of Engineers of the Department of the Army, and the Soil Conservation Service of the Department of Agriculture, enter into this agreement in order to:

(a) Provide a basis for deciding which agency will assume primary responsibility for providing flood protection by means of engineering works in those instances in which either agency could assume such responsibility under available legislative authorities;

(b) Insure that both agencies follow the same policy in dealing with local interests; and,

(c) Foster coordination in the preparation of flood protection plans for areas in which there is a mutual interest.

AGREEMENT

The Corps of Engineers and the Soil Conservation Service agree:

1. That they will endeavor to plan any engineering works which they may propose for flood protection, as harmonious components of plans for the optimum development of the river basin or region in which they are located.

2. That in the preparation of plans under the authorities of Public Law 566 the primary flood protection objective of the Soil Conservation Service will be to provide protection for upstream agricultural flood plains and for those upstream urbanized areas where flood problems of minor magnitude exist; but that this will not preclude the inclusion in Public Law 566 plans of upstream engineering works for, (a) the protection of downstream agricultural flood plain lands pursuant to section 4 hereof, or (b) the protection of upstream urbanized areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

3. That in the preparation of plans under the authorities of the Flood Control Acts the primary flood protection objective of the Corps of Engineers will be to provide protection for downstream agricultural flood plains and for urbanized areas where flood problems of major magnitude exist; but this will not preclude the inclusion in plans prepared under the Flood Control Acts of upstream engineering works for, (a) the protection of upstream agricultural flood plain lands pursuant to section 5 of this agreement, or (b) the protection of upstream urbanized areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

4. That within the limitations of Public Law 566 the Soil Conservation Service may provide, in addition to land treatment and minor engineering works, reservoir capacity the

primary purpose of which is to protect downstream flood plains if the following conditions are met:

(a) That such capacity is provided by ungated storage of not more than 12,500 acre-feet for flood protection in any single reservoir.

(b) That protection by this means would be more economic than protection by reservoirs providing more than 12,500 acre-feet of capacity for flood protection in any single reservoir.

(c) That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.

(d) That the Corps of Engineers has been given an opportunity to review the proposal and its views have been considered.

5. That the Corps of Engineers may provide reservoir capacity the primary purpose of which is to protect upstream agricultural flood plains if the following conditions are met:

(a) That protection by this means would be more economic than protection by a combination of land treatment and structural works that could be provided under the authorities of Public Law 566.

(b) That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.

(c) That the Soil Conservation Service has been given an opportunity to review the proposal and its views have been considered.

6. That the Soil Conservation Service will generally provide protection for upstream urbanized areas at which the flood problem is of "minor magnitude."

7. That the Corps of Engineers will generally provide protection for upstream urbanized areas at which the flood problem is of "major magnitude."

8. That when either the Soil Conservation Service or the Corps of Engineers contemplates the provision of flood protection for any upstream urbanized area at which the problem is of "intermediate magnitude" it will inform the other party to this agreement, and that the two parties will consult with a view to reaching agreement as to which of them should provide such protection. Such consultations shall be guided by the following:

(a) In general, the Corps of Engineers will assume responsibility where, (1) a very high degree of protection is needed (i.e., where a great flood would result in such catastrophic damages and possible loss of life that protection against a flood larger than a 100-year flood appears to be justified), or (2) where protection (regardless of the degree of protection contemplated) can most economically be provided by local protection works.

(b) In general, the Soil Conservation Service will assume responsibility where (1) protection against a flood of 100-year magnitude or less is found to be adequate, or (2) protection may most economically be pro-

vided principally by upstream reservoirs none of which provide more than 12,500 acre-feet of flood protection capacity, or (3) protection of upstream agricultural lands may be advantageously combined with protection of the urban area.

(c) Consideration shall also be given to the readiness of the two agencies to proceed promptly and to the desires of the interests to be benefited.

Agreements resulting from such consultations shall be confirmed in writing.

9. That when either the Soil Conservation Service or the Corps of Engineers concludes that for a particular situation special conditions would justify an assignment of responsibility not in conformance with section 6 or section 7 hereof, it may propose a consultation similar to that provided for by section 8 hereof and propose a departure from the provisions of sections 6 and 7.

10. That in the event consultations at field level under sections 8 or 9 hereof fail to result in agreement as to the proper assignment of responsibility for protecting a specific urbanized area, the issue shall be referred to the Washington offices of the Soil Conservation Service and the Corps of Engineers for further consideration.

11. That the definitions of supplement A shall govern the interpretation of this agreement.

12. That the agreement of January 19, 1959, between the parties hereto shall remain in effect.

13. That this agreement shall become effective upon the date of approval of legislation raising to 12,500 acre-feet the limit on the floodwater detention capacity which may be provided in any reservoir proposed under the authorities of Public Law 566, and that the provisions hereof shall govern all planning initiated after that date by either of the parties hereto.

September 23, 1965.

WILLIAM F. CASSIDY,
Lieutenant General, U.S. Army, Chief of Engineers.

D. A. WILLIAMS,
Administrator, Soil Conservation Service.

SUPPLEMENT A

DEFINITIONS OF TERMS

"Upstream": Above the point at which the drainage area equals 250,000 acres.

"Downstream": Below the point at which the drainage area equals 250,000 acres.

"Urbanized area": A city, town, or other area occupied by residences, public or commercial buildings and industrial structures, or expected to be so occupied within a period of 10 years; the area so occupied being essentially continuous.

"Urban flood problem of major magnitude": The flood problem at an urban area where a flood large enough to

inundate substantially the entire flood plain would, should it occur 10 years in the future, probably result in flood damages exceeding \$2 million.

“Urban flood problem of minor magnitude”: The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur 10 years in the future, probably result in flood damages of less than \$750,000.

“Urban flood problem of intermediate magnitude”: The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur 10 years in the future, probably result in flood damages exceeding \$750,000, but less than \$2 million.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

WATERSHED PROTECTION AND FLOOD PREVENTION ACT

* * * * *

SEC. 2. For the purposes of this Act, the following terms shall mean:
The “Secretary”—the Secretary of Agriculture of the United States.

“Works of improvement”—any undertaking for—

(1) flood prevention (including structural and land-treatment measures) or

(2) the conservation, development, utilization, and disposal of water in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than [five thousand] *twelve thousand five hundred* acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

“Local organization”—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or

combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary:

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Calendar No. 908

89TH CONGRESS
1ST SESSION

S. 2679

[Report No. 921]

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 1965

MR. ELLENDER, from the Committee on Agriculture, reported the following bill;
which was read twice and ordered to be placed on the calendar

A BILL

To amend the Watershed Protection and Flood Prevention Act,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Watershed Protection and Flood
4 Prevention Act (68 Stat. 666), as amended, is amended
5 by striking out “more than five thousand acre-feet of flood-
6 water detention capacity” and inserting in lieu thereof “more
7 than twelve thousand five hundred acre-feet of floodwater
8 detention capacity”.

[Report No. 921]

A BILL

To amend the Watershed Protection and Flood
Prevention Act, as amended.

By Mr. ELLENDER

OCTOBER 20, 1965

Read twice and ordered to be placed on the calendar

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Oct. 22, 1965
For actions of Oct. 21, 1965
89th-1st, No. 197

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HIGHLIGHTS: see page 5

SENATE

1. AGRICULTURAL APPROPRIATION BILL. Agreed to the conference report on this bill, H.R. 8370, and acted on amendments in disagreement (pp. 26978-89). This bill will now be sent to the President. (See Digest 196 for table showing the changes agreed upon.)
2. SUPPLEMENTAL APPROPRIATIONS. Both Houses received and agreed to the conference on this bill, H.R. 11588 (H. Rept. 1198). This bill will now be sent to the President. Attached is a table showing actions of the conferees on items for this Department. pp. 27029-36

3. WATER. Passed without amendment S. 2679, to amend the Watershed Protection and Flood Prevention Act, so as to increase the maximum floodwater detention capacity from 5,000 acre-feet to more than 12,500 acre-feet. p. 26956
~~Passed without amendment H. J. Res. 671, to authorize the President to proclaim November 1965 as Water Conservation Month. This bill will now be sent to the President. p. 26944~~
4. DISASTER RELIEF. Passed without amendment H.R. 11539, to provide assistance to the States of Fla., La., and Miss. for the reconstruction of areas damaged by the recent hurricane. This bill will now be sent to the President. pp. 26962-68
5. RECREATION. Passed without amendment H.R. 797, to establish the Whiskeytown-Shasta-Trinity National Recreation Area, Calif. This bill will now be sent to the President. pp. 26944-47
6. LANDS. Passed without amendment S. J. Res. 9, to cancel any unpaid reimbursable construction costs of the Wind River Indian irrigation project, Wyoming, chargeable against certain non-Indian lands. S. J. Res. 33, an identical bill, was postponed indefinitely. pp. 26955-56
7. PROPERTY. Concurred in the House amendments to S. 1004, to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies. This bill will now be sent to the President. p. 26989
8. REPORTS. Concurred in House amendments to S. 2150, to discontinue or modify certain reports required by law. The bill discontinues the requirements for reports on tort claims, Puerto Rican relief loans, and farm housing needs. This bill will now be sent to the President. p. 26989
9. GOVERNMENT OPERATIONS. Sen. McClellan submitted a brief summary of the activities of the Government Operations Committee during the 1st session of this Congress. pp. 26990-97
10. WORLD FOOD. Sen. Mondale commended and inserted a 1948 FFA oratorical contest winning speech, "Can Our Earth Feed Its People?", delivered by FFA Fred R. Harris, now U. S. Senator from Okla. pp. 27042-44
11. VETERANS' AFFAIRS. Sen. Yarborough inserted a letter in support of the cold war GI bill and stated that a poll indicated that enactment of the bill would not harmfully affect the reenlistment rate. p. 27044
12. FARM LABOR. Sen. Williams, N.J., reviewed the farm situation since the termination of the bracero program, stated that our "great challenge is to extend protective coverage" to farm workers, and that reports show that "there has been little movement of U.S. farmers to Mexico." pp. 27093-99
13. LEGISLATIVE ACCOMPLISHMENTS. Sen. McGee inserted a newspaper article praising both the accomplishments of the 1st session of the 89th Congress and the leadership of President Johnson. p. 27073
14. SMALL BUSINESS. Passed without amendment S. 2542, increasing by \$120,000,000

HOUSE

of such period, such duties have not been completed, the Commission shall submit to the Congress a report indicating the progress which has been made by the Commission in carrying out such duties and the additional period of time necessary to complete such duties. If the Commission shall have determined that it cannot complete such duties, it shall so indicate in such report, and shall immediately take proper measures so as to terminate its existence within the thirty-day period following the submission of such report.

SEC. 7. Upon the completion of its duties under this Act, the Commission shall submit to the Congress a final report concerning the action taken hereunder, and upon the expiration of thirty days following the submission of such report, the Commission shall cease to exist.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 914), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 2394 is to provide for the creation of a Commission to select and acquire a site and furnish an official residence for the Vice President of the United States. It further authorizes the appropriations required to operate and maintain the residence, including its staffing.

THE NEED FOR S. 2394

When we speak of establishing a residence for the Vice President, we speak of more than a home for an individual and his family; we speak of a national institution and a monument which will belong to all the American people.

It is unrealistic to expect a Vice President in today's world to fulfill his many responsibilities without the aid of an official residence. This may not have been the case in the past, when the Vice-Presidential office was regarded as something in the nature of an honorary office. This no longer holds true. The Vice President of today is deeply involved in the administration of Government and as such deserves a residence befitting the new status of his office. The social functions in which he is expected to serve as host are matters of no small concern to the Government. They also require so much space, so large a staff, and so much expense, that it is altogether unreasonable to expect the Vice President to take care of matters of this kind on his own in his own home.

COMMITTEE VIEWS

The committee believes it is fitting and proper that an official residence be provided for the Vice President. In today's atmosphere of turmoil and trouble throughout the world which requires stability and continuity in our two highest public offices and with the need for security so dramatically brought out by President Kennedy's assassination. We impose upon the Secret Service the duty of protecting the Vice President, but permit the occupant of the office to reside at indefensible locations dictated by personal income or wishes. Protecting the Vice President would be made much less difficult in an official residence whose location could be chosen partly with security precautions in mind.

The committee further believes that by establishing this official residence for the Vice President we will also be providing for

the American people another great national monument surpassed only by the White House and the Capitol itself. Although numerous suggestions were received as to possible sites for the residence, the committee does not feel that it can declare a preference thereby tying the hands of the Commission being created. However, the committee will pass on to this Commission all the suggestions and proposals it has received.

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

Mr. JACKSON. Mr. President, I move that the Committee on Interior and Insular Affairs be discharged from the further consideration of Senate Joint Resolution 9.

Mr. HICKENLOOPER. Mr. President, what is Senate Joint Resolution 9?

Mr. JACKSON. Senate Joint Resolution 9 pertains to the forgiveness of irrigation funds due in the State of Wyoming. The joint resolution was originally introduced by Senator SIMPSON and Senator McGEE, and was acted upon unanimously.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. JACKSON. Mr. President, I ask unanimous consent that the junior Senator from Wyoming [Mr. SIMPSON] be added as a cosponsor of Senate Joint Resolution 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 909, Senate Joint Resolution 33.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 33) to cancel any unpaid reimbursable construction costs of the Wind River Indian irrigation project, Wyoming, chargeable against certain non-Indian lands.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 33) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all reimbursable construction costs heretofore incurred at the Wind River Indian irrigation project, Wyoming, shall be allocated against the total irrigable acreage in the project according to present land classifications.

(b) The costs so allocated to land that passed out of Indian ownership prior to March 7, 1928, shall be canceled by the Secretary of the Interior if the patent from the United States contained no recital to the effect that the land is subject to irrigation construction charges, and the purchaser did not sign a contract to pay construction charges.

(c) Land that passed out of Indian ownership prior to March 7, 1928, shall, if the patent from the United States contains a recital to the effect that the land is subject to irrigation construction charges, either past or future, be subject to a lien in favor of the United States for such charges.

(d) Reimbursable construction charges hereafter incurred at the Wind River Indian irrigation project, Wyoming, shall be allocated against all irrigable acreage in the project according to land classifications then in effect, shall be a lien against the land, and shall not be subject to cancellation on the ground that the land was conveyed with a paid-up construction charge. Any such paid-up construction charge shall be deemed to mean a construction charge incurred prior to the date of this Act.

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

Mr. JACKSON. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 9. Senate Joint Resolution 9 is identical to Senate Joint Resolution 33. The distinguished senior Senator from Wyoming [Mr. SIMPSON], and the distinguished junior Senator from Wyoming [Mr. McGEE] are cosponsors.

The PRESIDING OFFICER. The joint resolution will be stated.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 9) to cancel any unpaid reimbursable construction costs of the Wind River Indian irrigation project, Wyoming, chargeable against certain non-Indian lands.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 9) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all reimbursable construction costs heretofore incurred at the Wind River Indian irrigation project, Wyoming, shall be allocated against the total irrigable acreage in the project according to the present land classifications.

(b) The costs so allocated to land that passed out of Indian ownership prior to March 7, 1928, shall be canceled by the Secretary of the Interior if the patent from the United States contained no recital to the effect that the land is subject to irrigation construction charges, and the purchaser did not sign a contract to pay construction charges.

(c) Land that passed out of Indian ownership prior to March 7, 1928, shall, if the patent from the United States contains a recital to the effect that the land is subject to irrigation construction charges, either past or future, be subject to a lien in favor of the United States for such charges.

(d) Reimbursable construction charges hereafter incurred at the Wind River Indian irrigation project, Wyoming, shall be allocated against all irrigable acreage in the project according to land classifications then

in effect, shall be a lien against the land, and shall not be subject to cancellation on the ground that the land was conveyed with a paid-up construction charge. Any such paid-up construction charge shall be deemed to mean a construction charge incurred prior to the date of this Act.

Mr. JACKSON. Mr. President, I ask unanimous consent that the action in the passing of Senate Joint Resolution 33 be rescinded and that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 923), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR LEGISLATION

The bill would cancel unpaid reimbursable construction costs on non-Indian land if the purchaser of that land bought it prior to March 7, 1928, without knowledge of the construction charges. That knowledge would have been acquired by a contract to pay such charges or a recital in the patent that the land was subject to such charges. Those who purchased their land prior to March 7, 1928, but had knowledge of the reimbursable construction charges will be held liable for those charges. Those persons who purchased the land after March 7, 1928, are charged with the responsibility of knowing that a lien was placed against the land on the Indian irrigation project for the payment of reimbursable construction costs because of the general lien laws of 1928.

The committee was informed that most of the persons who acquired their land after March 7, 1928, did, in fact, have knowledge of the obligation to pay the construction charges. However, most of the land was sold prior to 1928 and did not contain lien statements in the deed and no restrictions or contracts for repayment were signed by the owners. The committee in its deliberations decided that the construction costs to be canceled should be based on costs incurred prior to the 1928 Lien Act.

MAXIMUM FLOOD DETENTION CAPACITY OF WATERSHED PROJECT STRUCTURES

The bill (S. 2679) to amend the Watershed Protection and Flood Control Act, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by striking out "more than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof "more than twelve thousand five hundred acre-feet of floodwater detention capacity".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 921), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would increase the maximum flood detention capacity permitted for any single structure under the Watershed Protection

and Flood Prevention Act from 5,000 acre-feet to 12,500 acre-feet.

Hearings on this legislation were conducted by the committee's Subcommittee on Soil Conservation and Forestry. All witnesses, including the Department of Agriculture and the Department of the Army, favored enactment, pointing out that the increase in maximum flood detention capacity would permit the best use of available sites, reduce Government costs in some cases by reducing the number of flood detention structures that were needed, permit certain projects to be undertaken where the flood detention requirements of the only available sites were in excess of 5,000 acre-feet, and make it feasible to undertake certain projects which could not be undertaken unless the most economic sites were used.

The Department of the Army testified that retention of the present limitation would have the effect of making flood control storage in headwater areas under the Watershed Protection and Flood Prevention Act less efficient and more costly than it would be if capacities up to 12,500 acre-feet could be utilized. The Department of the Army, in view of this, interposed no objection to the bill, but pointed out that provision for greater flood detention capacity in structures installed under the Watershed Protection and Flood Prevention Act would make more difficult the coordination of headwater plans under that act and downstream plans prepared by the Corps of Engineers, stating:

"In taking this position the agencies concerned have also taken cognizance of the fact that authority for construction of reservoirs with greater flood control capacity under Public Law 566 would make more difficult the coordination of headwater plans prepared by the Department of Agriculture and downstream plans prepared by the Corps of Engineers because the zone of overlap in the amount of flood control storage that each agency could provide would be increased. In order to prevent possible conflict and duplication of effort in this zone of overlap, the Department of the Army has suggested that its program should be directed to those flood control storage possibilities that would reduce flood damage primarily downstream from the 250,000-acre headwater areas and that the Public Law 566 program should be designed to provide projects that would reduce flood damages primarily upstream from the 250,000-acre drainage area portions of a river basin. As a result of the interagency discussion of recent years, it is the understanding of the Department of the Army that the rules and regulations to assure coordination as required by subsection (5) of section 5 of Public Law 566 will be amended to incorporate the foregoing procedures if the 5,000 acre-foot limitation is raised."

Rather than leaving this problem of coordination open to subsequent adjustment from time to time through administrative regulation, the committee felt that it should be settled at this time, so that Congress, in taking action on the bill, would have full knowledge of the effect of its action, and so that future jurisdictional disputes and problems would be avoided insofar as possible. The committee therefore at the time of the hearings requested the Department of the Army to submit an amendment providing for coordination as set out in its testimony, and this was done. The Department of Agriculture was then requested to comment on the language suggested by the Department of the Army, and it did so, objecting to the proposed language and suggesting alternative language. The committee, after considering both proposals, earlier this year agreed on legislation that it believed would have settled the matter. However, the committee received many requests not to report the bill at that time, and to give the Departments further time to work out an understanding that would provide greater ease of coordination and would be satisfactory to all those

concerned with watershed protection and flood control projects. That agreement has now been reached and is appended hereto as exhibit A. It is upon the assumption that this agreement will be carried out in a way that will provide the most efficient and effective means of protecting our watersheds, preventing floods, and providing for the best use of our resources that the committee reports this bill.

BECKY JO AND CHARLES R. SMITH

The bill (H.R. 8353) for the relief of Becky Jo and Charles R. Smith was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 924), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Becky Jo and Charles R. Smith of Kannapolis, N.C., of liability to refund \$198.10 based upon the payment of a class Q allotment by the Army which was subsequently determined to have been an overpayment, because of a failure to withhold that amount from Mr. Smith's Army pay. The bill would authorize the refund of any amounts repaid or withheld because of this liability.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is the Senate in legislative or executive session?

The PRESIDING OFFICER. The Senate is in legislative session.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider a nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar.

DEPARTMENT OF JUSTICE

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate the nomination of David G. Bress of the District of Columbia to be U.S. attorney for the District of Columbia for a term of 4 years.

The PRESIDING OFFICER. The nomination will be stated.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I do not want to interfere with a procedural motion, but I wonder if the Senator has notified the Judiciary Committee. I understood that the committee was now holding a hearing on

October 22, 1965

16. SCHOOL LUNCHES. Sen. Hart commended approval of \$2 million for distribution to needy schools under Sec. 11 of the School Lunch Act. pp. 27379-80
17. FOREIGN TRADE. Sen. Fulbright inserted statements on "the frustration of U. S. foreign policy by the longshoremen's union" in connection with shipments to Communist nations. pp. 27390-3
18. NOMINATION of William D. Bechill to be Commissioner on Aging was confirmed. p. 27529
19. ADJOURNMENT. Both Houses adjourned sine die, thus ending the first session of the 89th Congress (pp. 27529, 27616). Both Houses passed without amendment H. J. Res. 788, to provide that the second regular session of the 89th Congress shall convene on Jan. 10, 1966; and this measure will now be sent to the President (pp. 27527, 27547). Bills which did not pass during the first session will retain their status and may be acted upon during the second session.

HOUSE

20. WATER. Passed without amendment S. 2679, to amend the Watershed Protection and Flood Prevention Act, so as to increase the maximum floodwater detention capacity from 5,000 acre-feet to more than 12,500 acre-feet. This bill will now be sent to the President. pp. 27253-54
21. FOREIGN AFFAIRS. Conferees were appointed on H.R. 10779, to authorize the Pharr Municipal Bridge Corporation to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Texas. Senate conferees were also appointed. p. 27320
22. PESTICIDES. Rep. Whitten stated that the Appropriations Committee staff report on the use of pesticides "clearly supports the view that where properly used there is no evidence of injury by pesticides," and inserted excerpts from many "favorable" letters he received from scientists subsequent to the release of the report. pp. 27256-58
23. LEGISLATIVE ACCOMPLISHMENTS. Several Representatives inserted reviews of the accomplishments of the 1st session of the 89th and their voting records. pp. 27260-61, 27275-77, 27530-36, 27549-50, 27550-51, 27567-68, 27561-62, 27576, 27576-77, 27581-83, 27586-88, 27596-97, 27602-3, 27608-10, 27610.
24. DEMOCRATIC PLATFORM. Rep. O'Hara, Mich., inserted a chart, "Implementation of 1964 Democratic Party Platform," showing the "outstanding Democratic record of performance this year in redeeming these major pledges of our 1964 platform." pp. 27568-69
25. CREDIT UNIONS. Rep. Patman stated that "one of the most important roles in the war on poverty is being played by credit unions," and inserted a supporting letter from Sargent Shriver. p. 27268
26. APPROPRIATIONS. Rep. Mahon submitted a resume of the appropriations business in the 1st session of the 89th Congress and some statistics and commentary on certain related fiscal matters. pp. 27323-28
27. FARM CONDITIONS. Rep. Langen discussed the activity of the Republican task force on agriculture which was organized "for the purpose of providing a forum for a complete analysis of today's deplorable farm conditions." pp. 27553-4

28. FOREIGN TRADE. Rep. Monagan expressed concern over the effect on rubber footwear, cotton farmers and the textile industry, of "a proposed revision of tariff policies." pp. 27570-72
29. FARM PROGRAM. Rep. Hagen, Calif., stated that "the Food and Agriculture Act of 1965 is one of the most important, and most helpful pieces of farm legislation since the far-reaching measures of the 1930's." pp. 27601-2

ITEMS IN APPENDIX

30. FARM PROGRAM. Extension of remarks of Rep. Dent urging the reading of Eugene Poirot's book, "Our Margin of Life," which "tells the story of our agricultural follies," and inserting a supporting letter. p. A5923
31. FOOD. Extension of remarks of Rep. Schmidhauser paying tribute to the "efficiency of our agricultural producers and the food industry," and inserting an editorial, "In the United States, Food Is a Bargain." p. A5934
Extension of remarks of Rep. Culver expressing concern over the world food problem and inserting an article commending the work of the FAO along this line. pp. A5988-89
32. WATER. Rep. Morse inserted an article describing the process of water desalination. p. A5940
Extension of remarks of Rep. Skubitz commending the passage of the rural water and sewer facilities bill and inserting a supporting article. p. A5973
Extension of remarks of Rep. Rhodes, Penn., commending the passage of the Water Quality Act of 1965 and inserting an article on this subject. p. A5971
Rep. Green, Penn., commended and inserted an editorial, "Progress Against Water Pollution." p. A6048
33. LEGISLATIVE ACCOMPLISHMENTS. Extension of remarks of Reps. Bandstra and Holi-field reviewing the legislative accomplishments of the 1st session of the 89th Congress. pp. A6003-5, A6026-7
34. FARM STUDY. Extension of remarks of Rep. Mize urging a study of the farm problem during the next 4 years and inserting an article, "Farm Study Vital." pp. A6053-54
35. OCEANOGRAPHY. Extension of remarks of Rep. Lennon commending and inserting an article, "A New Industry for Maritime Exploration and Development." pp. A6063-65
36. HOUSING. Extension of remarks of Rep. Bandstra commending the enactment of the bill to create the Department of Housing and Urban Development and inserting a supporting article. pp. A6076-77
37. INFLATION. Extension of remarks of Rep. Todd expressing concern "about the dangers of creeping flation." pp. A6078-80
38. ECONOMIC GOALS. Extension of remarks of Rep. Halpern in support of his bill to establish a Commission on National Economic Goals. pp. A6086-87

BILLS INTRODUCED

39. TAXATION. H.R. 11770 by Rep. Donohue, to establish a system for the sharing of certain Federal tax receipts with the States; to Ways and Means Committee.

Mr. PHILBIN. Yes; the House bill called for 150 short tons to be disposed of from the stockpile. In the conference, we considered the Senate bill which provided for 225,000 tons and we compromised at 200,000 tons.

The Senate had previously considered 300,000 tons, the original GSA measure. That figure was reduced during the hearings in the House after we had GSA conduct industry conferences, as is the custom of our committee.

So, Mr. Speaker, we feel that the compromise reached with the other body was an excellent one.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, did this represent a cut or an increase in the disposal?

Mr. PHILBIN. It represented an increase in the disposal amount.

Mr. GROSS. In the total amount to be disposed of?

Mr. PHILBIN. Yes, but not in the total amount as originally provided. There was a considerable reduction, a reduction of 100,000 tons, from the original proposal requested by the General Services Administration. But there was an increase of 50,000 tons in the amount as contained in the House bill.

Mr. GROSS. I thank the gentleman.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I am glad to yield to the able, distinguished gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I merely want to say to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. PHILBIN], that I believe that in the instance of these two bills the gentleman from Massachusetts has done an exceptionally fine job. I have had the pleasure of working with the gentleman and consulting with him about these matters. These bills should be immediately expedited. They are meritorious, they are desirable and needed.

Again, Mr. Speaker, I compliment the gentleman for his effective efforts in connection with these matters.

Mr. PHILBIN. Mr. Speaker, I want to thank the gentleman from Illinois for his kind remarks and also for his very valuable assistance to the committee in these and in all matters.

And I thank the able committee, my esteemed, distinguished chairman, Mr. RIVERS, and the Members of the House for their helpful counsel, support, and assistance.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I am glad to yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Mr. Speaker, I too want to compliment the gentleman from Massachusetts for the excellent job which he has done in handling the stockpile disposals, not only in this instance, but in prior instances.

However, Mr. Speaker, I would like to call to the attention of the Members of the House that the gentleman and his committee stands between the consumers and the producers, and having the worldwide shortage of zinc that we have today and because of the lack of production in

certain areas of the United States, it is necessary to firm up supply with these disposals. I want the Congress at all times to be cognizant of the fact that the stock of zinc and other metals hangs over the zinc market and the market of other metals such as nickel and lead.

Mr. Speaker, as we have said here at other times, we should supply this stock of material to its most judicious use, and I want to compliment the gentleman from Massachusetts on his integrity in this area. Because of programed disposals, we have not had a break in the market and have had a continuing stable price for both zinc and lead.

Mr. Speaker, I believe this is the important consideration that both the zinc producers and zinc consumers need, a base on which they can project their prices and operations in the future.

Further, Mr. Speaker, I want to say the gentleman from Massachusetts has done an excellent job in this area and I shall be watching for further developments as stockpile disposals are carried out in the future.

(Mr. WHITE of Idaho asked and was given permission to revise and extend his remarks.)

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF NICKEL FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 10305) to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 124,200,000 pounds of nickel from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 21, 1965.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the distinguished gentleman from Iowa and do so very gladly.

Mr. GROSS. I thank my friend from Massachusetts. Apparently there has been a rather substantial cut in the stockpile disposal of nickel of about 50 million pounds; is that correct?

Mr. PHILBIN. Yes; that is correct.

Mr. GROSS. Does the gentleman think with that cut there will be sufficient nickel to take care of all of the "funny money" coins that this administration is going to have in circulation around Christmas time this year?

Mr. PHILBIN. I hope that this will make some little contribution to the well-being of the financial picture of our country and the budgetary situation.

Mr. GROSS. If the gentleman will yield further, I just want to be sure that the public is not shortchanged on "funny money" when it comes time to do some Christmas shopping.

Mr. PHILBIN. I hope the gentleman is right in his apprehension.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I am delighted to yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Mr. Speaker, I do not like to belabor a point that we discussed at some length some time ago with respect to coinage, but at that time we were talking about the coinage, we were told that we would need imported silver with which to make silver coins, even of a reduced content.

Mr. Speaker, it seems rather interesting to me that we are going to have to import nickel to make—I shall not say "funny money"—but the cupronickel "hamburger" coins that we are going to have with us from now on.

Mr. Speaker, I thank the gentleman for yielding.

[Mr. EDMONDSON addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the conference report just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT

(Mr. BALDWIN asked and was given permission to address the House for 1 minute.)

Mr. BALDWIN. Mr. Speaker, I was unavoidably absent during rollcall No. 318 on September 22, and during rollcall Nos. 324 and 325 on September 24. Had I been present, I would have voted "nay" on rollcall No. 318, "nay" on rollcall No. 324, and "yea" on rollcall No. 325.

AMENDING WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2679) to amend the Watershed Protection and Flood Prevention Act, as amended, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, were there any

amendments adopted in conference on this bill?

Mr. POAGE. This is not a conference report.

Mr. GROSS. I beg the gentleman's pardon.

Mr. POAGE. This is a Senate bill. The House had reported a similar bill. The Senate passed this bill. This is a bill that originated in the Senate. This bill increases the watershed authority to build dams so that they can build dams ranging up to 12,500 acre-feet instead of 5,000 acre-feet. This is an old matter about which there has been considerable disagreement over the years. But now there has been an agreement between the Army Engineers and the Department of Agriculture and we know of nobody who is objecting to it.

Mr. GROSS. In other words, this bill is confined strictly to the subject that the gentleman has just explained?

Mr. POAGE. This bill does absolutely nothing except to change the figure 5,000 acre-feet to 12,500 acre-feet.

(Mr. REDLIN asked and was given permission to extend his remarks at this point.)

Mr. REDLIN. Mr. Speaker, I rise to express my appreciation to my committee chairman, Mr. COOLEY, and to my committee vice chairman, Mr. POAGE, for their excellent work in bringing this legislation to the floor of the House in time for action this session.

The untiring and dedicated work of the gentleman from Texas [Mr. POAGE], in the field of watershed development is recognized and saluted all over the Nation and particularly in an area like my State of North Dakota where the small watershed program is used extensively.

S. 2679 is identical to my bill, H.R. 5149, and to Mr. COOLEY's bill, H.R. 9141, reported out by the House Agriculture Committee.

The Watershed Protection and Flood Prevention Act now limits the size of dams to a floodwater detention capacity of 5,000 acre-feet, forming an impediment to multipurpose development in many small watersheds—a good number of them in North Dakota. Corrective legislation has been strongly endorsed by the North Dakota Association of Soil Conservation Districts.

This amendment, by increasing flood-detention capacity to 12,500 acre-feet, would allow North Dakota and many other areas in the Nation to do a better job of providing a water supply for towns, irrigation, recreation and fish and wildlife development.

I urge my colleagues to support S. 2679.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

(Mr. COOLEY asked and was given permission to revise and extend his remarks.)

[Mr. COOLEY addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. POAGE]?

There was no objection.

The Clerk read the bill as follows:

S. 2679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by striking out "more than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof "more than twelve thousand five hundred acre-feet of floodwater detention capacity".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

VALOR IN THE DOMINICAN REPUBLIC

(Mr. MARSH asked and was given permission to address the House for 1 minute; to revise and extend his remarks and to include extraneous matter.)

Mr. MARSH. Mr. Speaker, before this session of the Congress adjourns, I would like to call to the attention of the House an incident involving the son of Cleveland Tucker, one of the Official Reporters of debates of the House. His son, 2d Lt. Phillip E. Tucker, a member of the U.S. Marine Corps, was first captain of the Corps of Cadets of Virginia Military Institute in 1963 and 1964. This well-known military institution is located at Lexington, Va., in my Congressional District. Lieutenant Tucker had an outstanding record at VMI, both militarily and academically, and was cited as a distinguished academic student.

Upon graduation from VMI, Lieutenant Tucker became a regular officer in the Marine Corps. Recently in the name of the President, the Bronze Star Medal was awarded to 2d Lt. Phillip E. Tucker, USMC, for his heroic services as a platoon leader during operations of the U.S. Marines in defense of the Embassy of the United States in Santo Domingo, Dominican Republic.

I felt that the Members of the House would like to be aware that the son of one of the reporters of debates commanded one of the first units ashore in the Dominican Republic and played such a key role in defending the U.S. Embassy there. I am sure all of us are proud and grateful for this young man's courageous and heroic service to his country.

I ask unanimous consent that Lieutenant Tucker's Bronze Star citation, submitted to the commanding general, 2d Marine Division, Fleet Marine Force, by the commanding general, Fleet Marine Force, Atlantic, be inserted in the CONGRESSIONAL RECORD at this point.

BRONZE STAR CITATION

For heroic achievement in connection with operations in Santo Domingo, Dominican Republic, while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States was not a belligerent party. During

the period April 28 to April 30, 1965, Second Lieutenant Tucker, platoon leader, 2d Platoon, Company "L", 3d Battalion, 6th Marines, organized and defended the U.S. Embassy from hostile forces. On the evening of April 28, 1965, he made a complete and detailed reconnaissance, and established a defensive perimeter despite intensive hostile fire. For the next 2 days he continuously inspected each man and his position to insure his well-being and alertness. Whenever sniper fire was directed at his positions, he personally went to the area receiving fire to organize and control the return fire. This was accomplished with considerable risk to his own life. When the hostile fire continued from houses located outside the established international safety zone, he organized and led each house clearing detail. He continued this action until the sniper fire was eliminated. Second Lieutenant Tucker's initiative and courageous actions were in keeping with the highest traditions of the U.S. Naval Service.

ZAMBIA'S INDEPENDENCE DAY

(Mr. O'HARA of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA of Illinois. Mr. Speaker, this coming Sunday will be the first anniversary of the independence of the Republic of Zambia and I am reminded of the very pleasant and profitable hours the members of the African Subcommittee of the Committee on Foreign Affairs passed with the Honorable Kenneth Kaunda, then the president of the United National Independence Party of Northern Rhodesia, now the President of the Republic of Zambia, on April 18, 1961, when he was on a visit to the United States. The long acquaintance and warm friendship of members of our subcommittee, extending over the years of historic events, with many of the great statesmen of the developing nations, has built a bridge of personal understanding and enduring interest uniting the United States of America with the new nations of Africa. The visit of President Kaunda over 4 years ago stands out in our memory.

Zambia, the former British protectorate of Northern Rhodesia, is a high plateau country with an elevation of 3,000 to 4,000 feet above sea level. It is located inland in south-central Africa, bordered on the north by the Republic of the Congo, on the east by Tanzania and Malawi, on the south by Mozambique, Southern Rhodesia, and southwest Africa, and on the west by Angola. With a total area of 290,000 square miles, Zambia is about twice the size of the State of Colorado.

Zambia has many rivers; most of them flow south into the Zambezi. The Zambezi rises in the northwest corner and flows into Southern Rhodesia, through Mozambique and into the Indian Ocean. The Chambezi flows south into the great swamps of Bangweulu. These two rivers are broken by many waterfalls. Victoria Falls on the Zambezi is one of the most important waterfalls in Africa and one of the great wonders of the world.

The estimated population of Zambia is 3,587,000, comprised of about 3.5 million



Public Law 89-337
89th Congress, S. 2679
November 8, 1965

An Act

79 STAT. 1300

To amend the Watershed Protection and Flood Prevention Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by striking out "more than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof "more than twelve thousand five hundred acre-feet of floodwater detention capacity".

Approved November 8, 1965.

Watersheds.
Floodwater ca-
pacity, increase.
70 Stat. 1088.
16 USC 1002.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1177 accompanying H. R. 9149 (Comm. on Agriculture).

SENATE REPORT No. 921 (Comm. on Agriculture & Forestry).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Oct. 21: Considered and passed Senate.

Oct. 22: Considered and passed House in Lieu of H. R. 9149.

